



## MEMORANDUM FOR BUREAU CHIEF PROCUREMENT OFFICERS

**FROM:** IRIS B. COOPER, *Iris B. Cooper*  
SENIOR PROCUREMENT EXECUTIVE,  
OFFICE OF THE PROCUREMENT EXECUTIVE

**SUBJECT:** Amendment to the DTAP regarding Section 742 of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235).

1. **Purpose:** This amendment is issued to implement provisions from Section 742 of the Consolidated and Further Continuing Appropriations Act, 2015 and any other Act, wherein such prohibition is included.

2. **Effective Date:** Immediately

3. **Expiration Date:** Until otherwise canceled, superseded or included within the FAR, DTAR, or a future edition of the DTAP.

4. **Background:** Within the Consolidated and Further Continuing Appropriations Act, 2015, Section 742 prohibits the use of the funds appropriated or otherwise made available in this or any other Act to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy. Similar language appeared in appropriations acts for several previous years. The below language is from Section 742 of the Consolidated and Further Continuing Appropriations Act, 2015.

Sec. 742. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

In accordance, with FAR 1.404(a)(1) a consultation was held with the Chair of the Civilian Agency Acquisition Council (CAAC) on December 22, 2014. This consultation involved the discussion of various provisions of the Consolidated and Further Continuing Appropriations Act, 2015 that were identified as potentially having an impact on procurement. The result of this consultation was the agreement that Treasury needs to move forward with issuing internal policy to implement the provisions of Section 742 of the Consolidated and Further Continuing Appropriations Act, 2015. Therefore, the Senior Procurement Executive has determined that the issuance of this amendment to the DTAP is authorized and necessary to implement provisions from Section 742 of the Consolidated and Further Continuing Appropriations Act, 2015 and any other Act, wherein such prohibition is included.



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

**5. Applicability.** This amendment applies to acquisitions that involve a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy that use funds appropriated or otherwise made available in the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235) or any other Act, unless otherwise stated therein.

**6. Department of the Treasury Acquisition Procedures (DTAP).**

**A.** Part 1005—Publicizing Contract Actions, is amended to add the following:

**SUBPART 1005.2—SYNOPSIS OF PROPOSED CONTRACT ACTIONS**

**1005.205 Special situations.**

(e) See 1007.370 for information on the prohibition of the use of funds appropriated or otherwise made available in the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235) or any other Act, unless otherwise stated therein.

**B.** Part 1007—Acquisition Planning, is amended to add the following:

**SUBPART 1007.3—CONTRACTOR VERSUS GOVERNMENT PERFORMANCE**

**1007.370 Prohibition.**

None of the funds appropriated or otherwise made available by the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235) or any other Act, unless stated otherwise therein, may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

**C.** Subpart 1015.2—Solicitation and Receipt of Proposals and Information, is amended to add the following:

**1015.203 Requests for proposals.**

(b) See 1007.370 for information on the prohibition of the use of the funds appropriated or otherwise made available in the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235) or any other Act, unless otherwise stated therein.



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

- 7. Required Bureau Actions:** Bureau Chief Procurement Officers shall—
- a. Ensure dissemination of this APU to all impacted personnel;
  - b. Update any related Bureau policies and procedures impacted by this APU; and
  - c. Monitor bureau compliance with this APU and provide OPE notification of any instances of non-compliance along with the corrective action(s) taken to address the matter of non-compliance.
- 8. Additional Information:** My point of contact for this APU is Mr. Thomas O'Linn, who may be reached at [thomas.olinn@treasury.gov](mailto:thomas.olinn@treasury.gov) or at [OfficeoftheProcurementExecutive@treasury.gov](mailto:OfficeoftheProcurementExecutive@treasury.gov).